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MS #180500.3
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REMARKS

Applicant has thoroughly considered the Examiner's remarks, and the application has been amended in light thereof. Claims 42-69 are presented in the application for further examination. Claims 42, 57, 60, 63, 65 and 68 have been amended by this Amendment C. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. The following remarks will follow the sequence of the Office action. The Arabic numerals beginning each paragraph correspond to the numbered paragraphs of the Office action.

Rejections based on 35 U.S.C. § 103

1.-2. Claims 42-48, 50-55 and 57-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldberg et al. (U.S. Patent Application Publication No. 2002/0001371) in view of Bartholomew et al. (U.S. Patent No. 6,215,858). With regard to claim 42, the Examiner asserts that Goldberg et al. teach "a message router, 140, configured to receive the broadcast message and configured to translate the received broadcast message into an e-mail (translated first broadcast message) and a facsimile (translated second broadcast message)." The Examiner further asserts that Goldberg et al., in combination with the Bartholomew reference, teach "routing the translated first broadcast message to the first receiving device over the data network and routing the translated second broadcast message to the second receiving device over the telephone network via the data network."

The Examiner seems to be suggesting that Goldberg et al. disclose delivering a broadcast message to a first receiving device addressable over a data network ***and*** a second receiving device addressable over a telephone network. Applicant respectfully disagrees with the Examiner's interpretation of the Goldberg reference. The Goldberg reference involves delivering a personalized broadcast message over a network 110. (*See Goldberg et al., FIG. 1*). Goldberg et al. suggest that the network 110 may be "a public switched telephone network ***or*** an integrated services provider network." (*Goldberg et al., paragraph [0012]*) (emphasis added). Thus, if network 110 is a public switched telephone network, a recipient in the Goldberg reference receives the broadcast message via a device addressable over the public switched telephone network such as a telephone or facsimile machine. If network 110 is an integrated services provider network, the recipient receives the broadcast message via a device addressable over the integrated services provider network such as a personal computer. (*See Goldberg et al., paragraph [0030]*). In other words, depending on the type of network 110, the broadcast message of Goldberg et al. may be delivered to data network addresses ***or*** to telephone network addresses, ***but not to both types of addresses***.

The present invention allows a user to specify the addresses of the broadcast message recipients, where the addresses can be telephone network addresses (e.g., telephone numbers), data network addresses (e.g., IP addresses), or ***both types of addresses***. Claim 42, as amended, clearly sets forth that the same broadcast message may be delivered to a first receiving device addressable

over the data network ***and*** to a second receiving device addressable over the telephone network. In contrast to the Goldberg reference, in which network 110 is either a telephone network ***or*** a data network, claim 42 recites a telephone network ***connected to*** a data network such that the broadcast message may be delivered ***both*** to the first receiving device over the data network ***and*** to the second receiving device over the telephone network via the data network. As such, Goldberg is deficient in that the same broadcast message may ***not*** be delivered ***both*** to a data network device ***and*** to a telephone network device.

In addition, claim 42 now recites that a user may send a broadcast message ***via a sending device either addressable over a data network or addressable over a telephone network connected to the data network***. Goldberg et al. fail to teach or suggest that a sending device used to deliver the broadcast message to network 110 may be a data network device ***or*** a telephone network device. Specifically, since network 110 of Goldberg et al. is either a public switched telephone network ***or*** an integrated services provider network, the sending device and the receiving device must be of the same type. Therefore, Goldberg et al. fail to disclose that a telephone network device may deliver a broadcast message to a data network device or that a data network device may deliver the broadcast message to a telephone network device, as contemplated by claim 42.

The Examiner further contends that Bartholomew et al. teach "a telephone network connected to the data network" and "routing the translated second broadcast message to the second receiving device over the telephone network via the data network." Applicant respectfully disagrees that

Bartholomew et al. disclose a telephone network connected to a data network. Bartholomew et al. teach a system and method for transferring a message from a first centralized messaging system (e.g., a voice mail server) to a second centralized messaging system via the Internet. In particular, according to Bartholomew et al., a sending telephone network device delivers a message to the first centralized messaging system for storing and processing the message into digital form. The first centralized messaging system then sends the message to the Internet via an Internet interface. The second centralized messaging system receives the message from the Internet via another Internet interface. After storing and processing the message into analog form, the second centralized messaging system then delivers the message to a receiving telephone network device via a telephone network. (*See Bartholomew et al., FIG. 8*).

As can be seen, even though Bartholomew et al. disclose a data network and a telephone network, the data network and the telephone network are never connected. Instead, the telephone network of Bartholomew et al. is connected to the centralized messaging system, which is then connected to the Internet interface for interfacing with the Internet. A user of Bartholomew et al. using a telephone network device must deliver a message to the centralized messaging system before the message reaches the data network. Similarly, in the Bartholomew reference, the centralized messaging system must receive the message from the data network before the message can be delivered to a recipient using a telephone network device.

In contrast, although the present invention contemplates using a centralized messaging system as a medium for message delivery, it does not require delivery of a message to the centralized messaging system before or after the message reaches a data network. As one exemplary embodiment of the invention, the message may be sent from (to) a telephone network device to (from) the data network via a telephone network server (e.g., a local point of presence (POP)). (*See Application, FIG. 4*). According to the exemplary embodiment of the invention, the telephone network server may act as an interface between a telephone network and the data network. Thus, the data network and the telephone network of the present invention are connected to each other without the centralized messaging system. In particular, claim 42 recites "a telephone network connected to the data network" and "a message router, configured to receive the broadcast message … over the telephone network via the data network connected to the telephone network if the sending device is addressable over the telephone network."

Accordingly, Goldberg et al. in combination with Bartholomew et al. fail to teach or suggest each and every element of claim 42. Furthermore, both Goldberg et al. and Bartholomew et al. teach away from claim 42. Thus, claim 42 is believed to be allowable over the cited art.

Claims 60 and 65, as amended, include the similar recitals in claim 42. As such, claims 60 and 65 are distinguishable over the Goldberg and Bartholomew references so that the rejections must be withdrawn.

Regarding claims 46, 47, 53 and 54, Applicant does not understand how Goldberg et al. disclose delivering the

first and second broadcast messages to the first and second recipients in voice format as an ***electronic voice file***. The Examiner argues that Goldberg et al, at paragraph [0014], suggest this aspect of the invention. However, Goldberg et al, at paragraph [0014], suggest nothing more than a data file located in a recipient database and containing information related to an intended recipient such as a telephone number or a personalized message. In addition, it appears that in the Goldberg reference, the voice messages are delivered to intended recipients in analog form instead of as an electronic voice file. Accordingly, Goldberg et al. fail to teach or suggest each and every element of claims 46, 47, 53 and 54. Thus, claims 46, 47, 53 and 54 should be allowable over the Goldberg reference.

Regarding claims 58, 59, 64 and 69, the Examiner argues that Goldberg et al. teach ***including a telephone number within the second message that corresponds to the second receiving device***. Applicant submits that Goldberg et al. fail to disclose a telephone number included within the second message. According to Goldberg et al., a recipient's telephone number is stored in a data file located in a recipient database. (*Goldberg et al., paragraph [0014]*). However, in the Goldberg reference, the telephone number is not included within a message delivered to the recipient. As such, Goldberg et al. fail to disclose each and every element of claims 58, 59, 64 and 69. Thus, claims 58, 59, 64 and 69 should be allowable over Goldberg et al.

Claims 43-45, 48-52 and 55-57 depend from claim 42; claims 61-63 depend from claim 60; and claims 66-68 depend

from claim 65. These claims should be allowable based on their dependency from allowable claims 42, 60 and 65.

3. Claims 49 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldberg et al. in view of LaPorta et al. (U.S. Patent No. 6,014,429). The Examiner admits that Goldberg et al. do not teach a second receiving device being a pager but argues that LaPorta et al. suggest this limitation. Applicant disagrees. In any case, the dependent claims presently presented are patentable for the same reasons as noted above with regard to independent claim 42.

Response to Arguments

4. Applicant notes the Examiner's response to the arguments submitted in Amendment B filed on July 16, 2003 and respectfully requests the Examiner to reconsider the application claims as amended in view of the foregoing remarks.

Conclusion

5. The other references made of record and not relied upon are cumulative and no more relevant than the references already applied by the Examiner. Thus, the amended claims distinguish over the prior art and are patentable.

6.-7. It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for

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any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,

Frank R Agovino 2/26/04

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